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9 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 NEFTALI MONTERROSA, individually and as
13 co-successor-in-interest to Decedent SEAN
14 MONTERROSA; NORA MONTERROSA,
15 individually and as co-successor-in-interest to
16 Decedent SEAN MONTERROSA; MICHELLE
17 MONTERROSA, individually; ASHLEY
18 MONTERROSA, individually,

19 Plaintiffs,

20 vs.

21 CITY OF VALLEJO, a municipal corporation;
22 JARRETT TONN, individually, and Vallejo
23 police officers DOES 1-25, inclusive,

24 Defendants.

Case No. 2:20-cv-01563-TLN-DB

**STIPULATION TO AMEND
COMPLAINT AND ORDER**

STIPULATION

25 WHEREAS Plaintiffs filed an initial Complaint in this action on August 6, 2020, and
Defendants filed a Motion to Dismiss on October 6, 2020, to which Plaintiffs have filed an
opposition and Defendants have filed a Reply, among other motion practice between Plaintiffs
and Defendants.

STIPULATION AND ORDER TO FILE FIRST AMENDED COMPLAINT
Monterrosa v. City of Vallejo, et al.
Case No. 2:20-cv-01563-TLN-DB

1 WHEREAS Plaintiffs served an administrative claim concerning state law causes of
2 action against Defendants on August 21, 2020, and more than 45 days have passed since its
3 service.

4 The parties thereon stipulate that Plaintiff shall file a First-Amended Complaint setting
5 forth the state law wrongful death cause of action, only making the necessary modifications to
6 the First-Amended Complaint to address the addition of the state law wrongful death cause of
7 action, within 14 days of the Court issuing an Order on this stipulation permitting Plaintiffs to
8 file a First-Amended Complaint.

9 The parties further stipulate that the current motion to dismiss and all motions currently
10 pending before the Court shall remain in effect: The proposed First-Amended Complaint
11 (attached as Exhibit A) does not implicate any contention raised in the parties' ongoing motion
12 practice, and is filed to preserve Plaintiffs' state law wrongful death claim. The parties shall
13 respond appropriately once the Court issues an Order on the pending Motion to Dismiss.

14 The parties further stipulate that the Court's pending Order on Defendants' Motion to
15 Dismiss shall be effective as to the First-Amended Complaint attached as Exhibit A to be filed
16 following the issuance of the instant-order, to avoid duplicative filings, unnecessary delay, and to
17 avoid wasting the Court's time.

18 IT IS SO STIPULATED.

19 Respectfully submitted,

20 Dated: December 14, 2020

THE LAW OFFICES OF JOHN L. BURRIS

21 /s/ Benjamin Nisenbaum

22 Ben Nisenbaum

23 Attorneys for Plaintiffs

1 DATED: December 18, 2020

/s/ KATELYN M. KNIGHT
MEERA BHATT
KATELYN M. KNIGHT
FARRAH HUSSEIN
Attorneys for Defendants
CITY OF VALLEJO
and JARRETT TONN

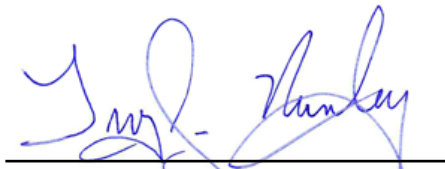
8 **ORDER**

9 The parties' instant-stipulation is hereby granted. Plaintiffs shall file a First-Amended
10 Complaint within 14 days of the issuance of this Order.

11 The pending motions the Court has previously taken under submission shall be effective
12 as to the First-Amended Complaint as set forth in Exhibit A to the instant-stipulation. The
13 parties shall respond as directed by the Court's Order on Defendants' pending Motion to
14 Dismiss.

15 IT IS SO ORDERED.

16
17 Dated: December 22, 2020

18 
Troy L. Nunley
United States District Judge